EA Form R 1/2007

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Vernon T Pettey
525 Moose Creek Road
Polebridge, MT 59928

2. Type of action: Permit to Appropriate Water 76LJ 30108200

3. Water source name: Groundwater – Developed Spring

4. Location affected by project: E2SESE Section 35, Township 36N, Range 22W, Flathead County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

This application is to obtain a water use permit for a developed spring located in the Glacier National Park Compact Area in the above-described location. The Applicant proposes to divert water at a rate of 9 gallons per minute (GPM) up to 8.91 acre-feet per year (AF). The proposed uses are domestic use from January 1 to December 31, lawn and garden and other uses (2 shops, 1 bath house, 4 seasonal cottages, and 4 trailers) April 1-October 31. Three acres will be irrigated. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-20-401 MCA are met

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

-U.S. Fish and Wildlife Service and Montana Natural Heritage Program: Endangered, Threatened Species and Species of Special Concern, Wetland Mapper program
-Montana Department of Fish Wildlife & Parks (DFWP); Dewatered Stream Information
-Montana Department of Environmental Quality's (MDEQ) Clean Water Act Information and PWS Drinking Water Watch databases
-U.S. Natural Resource Conservation Service (NRCS); web soil survey
-Montana Historical Society

Figure 1: Map of the Proposed Place of Use

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: The Applicant proposes to withdraw groundwater from a developed spring that is approximately100 feet north of Moose Creek, which is tributary to the North Fork Flathead River. The source aquifer is hydraulically connected to the North Fork Flathead River. This river is not identified as a chronically or periodically dewatered stream.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: The Applicant's spring is from an aquifer that is hydraulically connected to the North Fork Flathead River. According to the DEQ's Clean Water Act Information Center in 2016 the North Fork Flathead

River was not impaired or threatened and was fully supporting drinking water, aquatic life, agriculture and primary contact recreation. Moose Creek did not have data available.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: The Applicant will divert groundwater from a developed spring at a rate of 9 GPM. The National Park Service identified the source aquifer as being hydraulically connected to the North Fork of the Flathead River. Depletions to surface water are equal to the Applicant's annual consumptive use.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: The piping from the developed spring to the proposed place of use will cross Moose Creek. The Applicant is pursuing a 310 Permit from the local Conservation District. The installation of the system will be done per the Conservation Districts requirements to limit erosion and sedimentation along Moose Creek.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program and DFWP websites were reviewed to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern", that could be impacted by the proposed project.

According to the Montana Natural Heritage Program in Township 36N, Range 22W there are six plant species of concern: Moonworts (Botrychium), English Sundew (Drosera anglica), Water Bulrush (Schoenoplectus subterminalis), Hudson's Bay Bulrush (Trichophorum alpinum), Tufted Club-rush (Trichphorum cespitosum) and Meesia moss (Meesia triquetra).

The following species of concern exist: Bull Trout (Salvelinus confluentus), Westslope Cuthroat Trout (Oncorhynchus clarkii lewisi), Wolverine (Gulo gulo), Fisher (Martes pennanti), Canada Lynx (Lynx canadensis), Grizzly Bear (Ursus arctos), Harlequin Duck (Histrionicus histrionicus), Black-baked Woodpecker (Picoides arcticus), and Common Loon (Gavia immer). This land has been developed for over 20 years any impacts to sensitive mammal species most likely has already occurred.

Determination: No impact.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: Not applicable, project does not involve wetlands or critical riparian habitats

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: Not applicable, the project does not involve a pond.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: According to soil survey data provided by the NRCS, soil within the place of use consists mostly of gravelly silt loams and cobbly sandy loams, which are quick to drain. Soils within the place of use are not susceptible to saline seep. No degradation of soil quality shall occur.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: The construction of the different facilities will disturb vegetation. The Applicant is subject to Flathead County noxious weed policies for property owners.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: Adverse air quality impacts from increased air pollutants are not expected as a result of this project. No air pollutants were identified as resulting from the applicants proposed use of groundwater.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: N/A, project is not located on state or federal land.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: All impacts to land, water and energy have been identified and no further impacts are anticipated.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: The project is consistent with planned land use.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: The developed spring is on private property. The proposed project will not inhibit, alter or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights. Yes___ No_**X**__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* None identified.

(b) *Local and state tax base and tax revenues?* None identified.

(c) *Existing land uses?* None identified.

(d) *Quantity and distribution of employment?* None identified.

(e) *Distribution and density of population and housing?* None identified.

(f) *Demands for government services?* None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* The North Fork road may see increase traffic from people residing at this location.

(j) *Safety?* None identified.

(k) *Other appropriate social and economic circumstances?* None identified.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: None identified

Cumulative Impacts: None identified

3. *Describe any mitigation/stipulation measures:* None

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

PART III. Conclusion

1. Preferred Alternative: As proposed

2 Comments and Responses: None

3. ***Finding:***
Yes___ No ***X*** *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified; therefore, no EIS is necessary.

Name of person(s) responsible for preparation of EA:

Name: Melissa Brickl
Title: Hydrologist/Water Resources Specialist
Date: September 23, 2016